

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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**IN RE MEDAREX, INC. DERIVATIVE
LITIGATION**

REQUEST FOR JUDICIAL NOTICE

Civil Action No. 06-cv-5523 (FLW) (TJB)

Pursuant to Rule 201 of the Federal Rules of Evidence, Plaintiffs respectfully request that the Court take judicial notice of certain documents cited in Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendants' Motion to Dismiss. Each of these documents is either a Securities and Exchange Commission ("SEC") filing, or is publicly available on nominal defendant Medarex, Inc.'s ("Medarex" or the "Company") website.

I. REQUEST FOR JUDICIAL NOTICE

"Under Rule 201(d) of the Federal Rules of Evidence, a district court must take judicial notice 'if requested by a party and supplied with the necessary information.'" *In re NAHC, Inc., Sec. Litig.*, 306 F.3d 1314, 1331 (3d Cir. 2002) (quoting Federal Rules of Evidence, Rule 201(d)). In making this determination, Rule 201(b) permits a district court to take judicial notice of facts that are "not subject to reasonable dispute in that [they are] either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready

determination by resort to sources whose accuracy cannot reasonably be questioned.” Federal Rules of Evidence, Rule 201(b); *NAHC*, 306 F.3d at 1331. Under this standard, the Third Circuit has held that courts may take judicial notice of documents filed with SEC, as well as other “undisputably authentic document[s].” *Pension Benefit Guar. Corp. v. White Consol. Indus.*, 998 F.2d 1192, 1196 (3d Cir. 1993); *NAHC*, 306 F.3d at 1331; *Oran v. Stafford*, 226 F.3d 275, 289 (3d Cir. 2000). Accordingly, Plaintiffs request that the Court take judicial notice of the following documents:

1. Medarex, Inc.’s Audit Committee Charter, attached hereto as Exhibit “A”.
2. Medarex, Inc.’s April 19, 2007 Annual Proxy Statement, attached hereto as Exhibit “B”.
3. Medarex, Inc.’s April 9, 2004 Annual Proxy Statement, attached hereto as Exhibit “C”.
4. Medarex, Inc.’s April 8, 2005 Annual Proxy Statement, attached hereto as Exhibit “D”.
5. Medarex, Inc.’s April 10, 2006 Annual Proxy Statement, attached hereto as Exhibit “E”.

Each of the aforementioned Proxy Statements was filed with the SEC, and the Audit Committee Charter is publicly accessible on the “Investor Relations” portion of the Company’s website. Given that there can be no doubt as to the authenticity of these documents, judicial notice is appropriate. *See Pollstar v. Gigmania Ltd.*, 170 F. Supp.2d 974, 978 (E.D. Cal. 2000) (taking judicial notice of website printout).

CONCLUSION

Based on the foregoing, Plaintiffs respectfully request that the Court take judicial notice of the aforementioned documents.

Dated: February 19, 2008

Respectfully submitted,

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